

ORDINANCE NO. 554

Creating Article III of Chapter 186, Solid Waste, of the Code of the Village of Waterford to Regulate the Placement of Solid Waste and Recycling and to Impose Special Charges and Penalties

The Village Board of the Village of Waterford, Racine County, Wisconsin, do ordain as follows:

I. That Chapter 186 of the Code of the Village of Waterford, Racine County, Wisconsin, **Solid Waste**, Article III, **Solid Waste and Recycling Storage and Placement Regulations**, is hereby created as follows:

186-26 Solid Waste and Recycling Storage and Placement.

- A. Containers. Solid waste and recycling containers shall be stored in a garage, in the side yard or in the rear yard. Containers may only be stored in the front yard when no other suitable place is available or accessible, and then only when such storage abuts the main dwelling or other structure.
- B. Solid waste and recycling not placed in an approved container, including but not limited to heavy items, appliances, tires, trash, and yard waste placed or stored on private property for longer than seven days shall be considered a public nuisance subject to the provisions of Chapter 165 of this Municipal Code.

186-27 Time for Curb Placement and Removal

- A. Approved solid waste and recycling containers shall be placed at the curb for collection no earlier than noon on the day before the collection day. Containers shall be removed from the curb and returned to their regular storage location by 11:30 p.m. on the day they are serviced.
- B. Items for which a special collection has been arranged may be placed at the curb no earlier than noon on the day before the day they will be collected.

186-28 Refusal of Service; Removal of Items Not Collected.

Only containers placed in accordance with the regulations set forth in this Chapter will be serviced. Refuse, recycling, trash or other items placed at the curb or in the public right of way in violation of the regulations set forth in this Chapter will not be collected with the regular collection. Items not collected must be removed by the occupant from the curb or public right of way by 11:30 p.m. on the collection day.

186-29 Notice and Special Charge for Items Placed in Violation of Chapter.

- A. Notice. If solid waste, garbage, recycling, refuse or any other item is placed at the curb or within the limits of the public right of way for collection in violation of this Chapter, the Village may deliver a notice to the occupant, and to the property owner if different, requiring the removal of the item within seven days of the receipt of the letter. The letter will be delivered by a representative of the Village in person to the occupant when possible, and when not possible, shall be sent by certified mail. If the property owner is not the occupant, the letter shall be sent by certified mail to the owner.
- B. Removal; Special Charge. If the item or items for which a Notice was sent pursuant to subsection A are not removed within the time given, the Village shall arrange with the Village's collection contractor for removal of the item, and shall charge the cost thereof to the property owner as a special charge pursuant to Wis. Stat. s. 66.0627. If the special charge is not paid within 30 days of billing therefore, the special charge shall be a lien on the property and, together with an administrative charge in an amount set by the Village Board, shall be added to the current or next tax roll for collection. The special charge provided for herein shall not preclude proceeding under any other ordinance or law relating to the same or other

matter.

- C. Appeal. The imposition of a special charge hereunder may be appealed solely to the Village Board. Appeals filed pursuant to this section shall be filed no later than 30 days from the date the bill is received for the special charge. The Village Board shall hear and consider the matter at a regular meeting held within 15 days after receipt of the appeal, and may affirm, reverse or modify the imposition of the charge.

186-30 Enforcement; Violations and Penalties.

The first offense for a violation of this Article shall result in a warning to the occupant and the property owner, if different. Any person who violates any provision of this Article, or any regulation, rule or order made hereunder, after having been warned, shall be subject to a penalty as provided in Chapter 1, Article II of this Municipal Code. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter.

II. That the above Offenses shall be added to the Village of Waterford Deposit Schedule, which shall show base deposit amounts for the offenses as follows:

186-26A	Solid Waste and Recycling Storage and Placement	\$10.00
186-27	Time for Curb Placement and Removal	\$10.00
186-28	Refusal of Service; Removal of Items not Collected.	\$20.00


All applicable costs shall be added to these base deposit amounts and shall be reflected in the Deposit Schedule.

III. It is further ordained that this ordinance shall become effective from and after its passage and publication as required by law. All other language as contained in Chapter 186 of the Code of the Village of Waterford shall remain without change and in full force and effect.


Introduced: 04/26/2010

Passed and adopted: 05/09/2010

BY ORDER OF THE VILLAGE BOARD


David Richmond, President

ATTEST:


Vikki L. Zuehlke, Clerk